THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15354 of 1996

Dated: 19-09-2006

Between:

Bankuru Suryanarayana

..... Petitioner

AND

The District Collector,
Krishna District & two others

..... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15354 of 1996

ORDER:

This writ petition is filed seeking a declaration that the action of respondent No.3 in issuing notice dated 15-07-1996 seeking to evict the petitioner from the land in question is arbitrary and illegal.

Petitioner claims that he is a landless poor and has been cultivating the land in question for the past twenty-three years as a tenant of respondent No.3-Sri Someswara Swamy Vari Temple. It is claimed that he has been paying the rents regularly. While so, the impugned notice dated 15-07-1996 was issued by respondent No.3 directing the petitioner not to cultivate the land in question stating that the said land was taken possession by respondent No.2-Mandal Revenue Officer from respondent No.3 as per the orders of respondent No.1-District Collector in Rc. No.2037/95 dated 18-03-1996. Aggrieved by the same, this writ petition is filed contending *inter alia* that the impugned action of the respondents in issuing notice to the petitioner, who is actually cultivating the land in question, is arbitrary and illegal. The petitioner relying on G.O. Ms. No.456, Revenue (Endtt.II) Department dated 29-09-1995, contended that respondents are required to follow the procedure prescribed thereunder for acquiring the endowment lands for the purpose of providing house sites to the weaker sections.

In the counter affidavit filed on behalf of the respondents, it is stated that admittedly the land in question belongs to respondent No.3 and possession of the same was taken following due process of law.

It is to be noted that an identical issue relating to the applicability of G.O. Ms. No.456 dated 29-09-1995 was considered by a Division Bench of this Court in Writ Appeal No.904 of 1999. The Division Bench by judgment dated
26-07-1999 held that the guidelines laid down in the said G.O. are meant for internal working of the Government and they cannot create any enforceable rights separately in the writ petitioners therein. It was also held that the interest of the petitioners-appellants was properly taken care of by the State and they would be entitled to appropriate compensation in accordance with law for possessing title if they have any.

The petitioner herein also stands on the same footing. Except stating that the guidelines laid down in said
G.O. Ms. No.456 dated 29-09-1995 have not been followed, no specific error in the procedure has been pointed out by the petitioner. Admittedly, petitioner is only a tenant, who is claiming right over the temple lands of respondent No.3.

In the circumstances, the writ petition is devoid of any merit. Following the judgment of the Division Bench in Writ Appeal No.904 of 1999 dated 26-07-1999, the Writ Petition is accordingly dismissed. No costs.

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G. ROHINI, J

Date:19-09-2006

KLP